IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.6451 OF 2005

Union of India through General Manager,
Central Railway & Anr. ...Petitioners.
Vs.
Mr.Nabilal Chandsab. ...Respondent.
....
Mr. T. J. Pandian for the Petitioners.
Mr. G. S. Walia with Mr. R.G. Walia for the Respondent.
.....

CORAM : F.I REBELLO AND
DR.D.Y.CHANDRACHUD, JJ.

October 3, 2005.

P.C.

By the present petition, the Petitioners have impugned the order dated 31st May 2005. By that order, the Learned Tribunal has ordered that the Respondent be regularised as Assistant Cook in the grade of Rs.210-280 from 8th November 1978 and also directed payment of consequential benefits. Heard the Learned Counsel for the Petitioners. The Learned Counsel does not deny that the Respondent had to be considered for regularisation from the date when the Tribunal has ordered, but that the same could not be complied with due to oversight. The only contention now urged on behalf of the Petitioners herein is that there is no rule and consequently the Respondent could not have been

regularised.

We do not propose to interfere with the impugned order in the exercise of our extraordinary jurisdiction considering the peculiar facts of the present case. If the Respondent had to be considered, then mere non-consideration cannot result in denying him the right of regularisation. In these circumstances, the Tribunal was right to consider the case of the Petitioner for regularization. For the aforesaid reasons, we do not find any reason to interfere in the exercise of the extraordinary jurisdiction. The petition is rejected.

On behalf of the Petitioners, their Learned Counsel requests for four months' time to comply with the order. Time to comply with the order is extended by a further period of four months from today.

(F.I. Rebello, J.)

(Dr. D.Y. Chandrachud, J.)